

Appln No. 09/828,304

Amdt date May 24, 2004

Reply to Office action of April 1, 2004

REMARKS/ARGUMENTS

The remarks that follow are responsive to the Office Action mailed on April 1, 2004, on the above-referenced application.

Claims 1 to 55 are pending in this application. Applicants have amended independent claims 1, 27, 43, and 46 to specify as in claim 29 that all of the polymer provided for is homogeneously dispersed into the liquid crystal molecules. No new matter has been added by these amendments.

The Examiner rejected all of claims 1 to 55 under either 35 U.S.C. §102(b) or §103(a) as being anticipated by or unpatentable over one or more of Kubota, et al. (U.S. Patent No. 6,128,056), Kajiyama, et al. (EP Patent No. 0501409), Toshida, et al. (U.S. Patent No. 5,812,227). Applicants respectfully traverse this rejection.

The claims of the current invention as currently amended are directed generally to:

An electro-optically active gel layer having nematic, ferroelectric, antiferroelectric or electroclinic properties comprising a plurality of aligned liquid crystal molecules and an anisotropic three-dimensional polymer network comprising a plurality of sparsely cross-linked polymer molecules, wherein the anisotropic three-dimensional polymer network is homogeneously dispersed within the liquid crystal molecules.

Claim 1, underlining added for emphasis.)

This amendment attempts to address the Examiner's sole criticism of Applicants' distinction over the prior art, namely that the claims were somehow meant to infer the partially homogeneous nature of Applicants' material. Applicants have never intended such a reading of any of the claims of the

Appln No. 09/828,304

Amdt date May 24, 2004

Reply to Office action of April 1, 2004

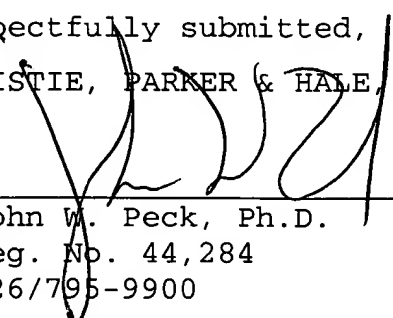
current application. In this amendment Applicants hve attempted to mirror the language of claim 29, to indicate that all of the polymer provided for is homogeneously dispersed into the liquid crystal molecules.

In contrast, nowhere, do the Kubota, et al., Kajiyama, et al., nor Toshida, et al. references ever disclose, teach, or even suggest that the liquid crystal/polymer composite should be "homogeneously dispersed", as recited by Applicants claims. Accordingly, Applicants submit that the disclosure of these references cannot be said to anticipate the claims of the current invention.

Moreover, with regard to Examiner's §103(a) rejections, one of skill in the art having read the cumulative references would have had no motivation or guidance to construct an electro-optically active gel layer, having the homogeneous dispersion as taught by Applicants. As such, Applicants respectfully request reconsideration and withdrawal of these grounds of rejection.

In view of the foregoing remarks, reconsideration and allowance of this application are respectfully requested. However, the Examiner is kindly requested to call the undersigned attorney if he should he deem any claim presently in the application unpatentable.

Respectfully submitted,
CHRISTIE, PARKER & HALE, LLP

By 
John W. Peck, Ph.D.
Reg. No. 44,284
626/795-9900

JWP/jwp